

12 March 2010

Present: **(Independent Members)** Simon Lainé (Chair), Duncan Chittenden, Jon Leamon, David O'Connor and John Cripps **(Borough Councillors)** Councillors David Hall, Les Godwin and Paul Massey **(Parish Councillors)** Parish Councillors Barrie Lewis, Stuart Fowler and Gloria Coleman

Also in attendance: **Head of Legal Services** - Peter Lewis
Democratic Services Manager – Rosalind Reeves

(4.05pm – 5.25pm)

1. APOLOGIES

None

2. DECLARATIONS OF INTEREST

None declared.

3. MINUTES

Resolved: that the minutes of the meeting held on 11 December 2009 be approved and signed as a true record.

4. MEMBERS REPORTS ON ATTENDANCE AT COUNCIL, COMMITTEE AND PARISH COUNCIL MEETINGS AND OTHER MEETINGS ARISING

Jon Leamon reported his attendance at the recent budget Council meeting and commented that it had been an interesting meeting with some vigorous debate.

5 UPDATE ON LATEST BULLETINS AND CASES AND COMPLAINTS

It was noted that Bulletin 46 had not been available at the last meeting and had not been circulated with the papers for this meeting. Members who had read the bulletin confirmed that it contained nothing significant for discussion at this meeting.

The Head of Legal Services highlighted the main points in Bulletin 47. The date of the 2010 Annual Assembly of Standards Committees was 18/19 October at the ICC in Birmingham. After some discussion it was agreed that Jon Leamon would attend. Duncan Chittenden confirmed that he would attend on behalf of the Police Authority Standards Committee. Both Members indicated that they would feed back their experiences of the Annual Assembly to the Committee.

The Head of Legal Services referred members to the new online guides listed on page 7 of the bulletin which were now available. Members agreed to view the guides and discuss them at their next meeting and in particular the quick guide to blogging. He drew attention to the delay on the new Code of Conduct reported in the bulletin which advised that the new Code would not be in place until after the general election.

The chair drew members' attention to the article on page 4 which concluded that a Tribunal could award costs against a standards committee if they felt they had acted unreasonably in the conduct of their investigations or hearings. The Head of Legal Services advised that this would bring the process in line with other tribunals.

A member asked how investigators were selected and what qualifications were required. The Head of Legal Services advised members that normal practice was for the investigation to be commissioned on behalf of the Monitoring Officer. When making an appointment they would need to take account of the knowledge and experience of the investigator and ensure it was appropriate for the nature of the investigation required. An in-house investigator may not always be appropriate due to time factors and experience required particularly on complex investigations. No particular qualifications were required but investigators often had a background as former Monitoring Officers. It was good practice for the authority to have a list of potential investigators.

6. UPDATE ON CURRENT STATUS OF INVESTIGATIONS AND ASSESSMENTS

The Democratic Services Manager circulated a summary of all the complaints dealt with under Local Assessment. The Head of Legal Services explained that the names of the complainant and the subject of the complaint had been removed as it was not appropriate to discuss these in a public meeting, unless a public notice had been issued.

Members felt that it was important for the whole committee to have an understanding of all the complaints that had been dealt with as this would broaden their experience and provide valuable learning points which would assist them in dealing with future complaints.

The Head of Legal Services agreed to review this and work with the Democratic Services Manager to produce a revised summary for this meeting. The potential for making this an exempt item would also be considered.

Members also questioned the timing of publicising results from a recent hearing as it appeared that a public notice had not yet been published and they were aware that it was being discussed informally in the public domain. The Head of Legal Services agreed to review this.

Members asked why an investigation requested by an initial assessment on the 15th of January 2010 was still shown as 'refer for investigation' and whether there were any time limits. The Head of Legal Services advised that, in this particular case, the investigation was underway and that generally an investigation would take as long as was needed and there was no statutory time limit. However once an investigation had been completed, the case had to be reported back to the Committee within a set period of time.

The Committee wished to put on record that they had been well served by the investigatory services of Colin Spencer.

7. STANDARDS COMMITTEE ANNUAL REPORT

Members reviewed the draft annual report which had been circulated via e-mail. Members requested that the report quantify the number of complaints received. The section on visits to other council meetings and parish council meetings prompted some discussion about the purpose of these visits. It was agreed that these were originally instigated in order to raise the profile of the Standards Committee and for the members to get a better understanding of how parish councils operated. They were not there to assess standards of behaviour or comment on process and they felt this section of the report should be amended to reflect these views. In line with this it was also suggested that the standard agenda item should be amended to read "matters arising from attendance at" other meetings.

It was noted that the chairman would attend Council on the 29 March 2010 to present the report.

8. MEMBER INDUCTION PLANS 2010

The Democratic Services Manager advised that following the elections there would be a member's open day on the 11th of May 2010 starting with a presentation in the council chamber at 1 p.m. Following the presentation members would have the opportunity to visit stalls manned by staff to explain the work of the various departments within the Council. She agreed to consider the option of there being a stall on the work of the Standards Committee.

She advised that a session on Member's Code of Conduct and standards had been provisionally arranged for Wednesday 19th of May at 5:30 p.m. This would be given by the Monitoring Officer and it was likely that the new DVD would be shown.

9. REVIEW OF PROGRESS AGAINST WORK PLAN

The Head of Legal Services updated members on the status of items in the work plan following discussions with the Borough Solicitor and Monitoring Officer. She was keen to hold a joint Standards Committee Forum with Tewkesbury Borough Council in the autumn. This would focus on the new Code of Conduct assuming it had been announced by then, otherwise an alternative main topic would be considered.

The Borough Solicitor and Monitoring Officer was reviewing the approach to the Ethical Health Check and would report back at the next meeting.

The possible joint arrangements with other standards committees was being discussed at the next Monitoring Officers meeting and if there was any interest it would be brought back to this Committee for further discussion at some point.

The Head of Legal Services advised members that the reports arising from the KPMG public interest report being considered by Council on 22 March 2010 contained a number of recommendations. Two of these recommendations were relevant to the Committee as they would require a review of the member officer protocol and the code of conduct for employees. If these recommendations were accepted then it would fall to this committee to review those documents which would then go to the Staff and Support Services Committee before being approved by Council. The likely timescale for redrafts of these documents was 30 September 2010.

10. ANY OTHER BUSINESS

In response to a request from members the Democratic Services Manager agreed to ensure that all members of the committee received a link to Cabinet and Council agendas.

Councillor D Hall referred to the review working group report due to be considered at the Extraordinary meeting of Council which had been published earlier that day. He questioned why the Standards Committee had not been given an opportunity to review their report given that the terms of reference of the working group included a responsibility for reviewing the Code of Conduct.

As a member of the review working group, Councillor Massey confirmed that they had not considered any Code of Conduct issues as such matters were for the Standards Committee. Any issues relating to standards were outside the terms of reference for the working group. The working group had identified a number of issues which they felt should be looked at as part of a constitutional review and these were included in their recommendations.

The Head of Legal Services reminded members that the Code of Members' Conduct was laid down by Parliament and could not be changed at a local level. He also reminded members that the Committee was being asked, as part of its workplan, to consider the member/officer protocol and code of conduct for employees

Members discussed the results of the Web questionnaire which had been circulated by the chair. This allowed them to assess the quality of the information relating to the Standards Committee available on the Council's website.

The Democratic Services Manager explained that a new committee minute system was being introduced in June/July of this year and as part of its implementation the pages relating to the Standards Committee would be improved. This would include a link from the customer complaints page to inform members of the public of the process for making a Code of Members' Conduct complaint. This would also provide an opportunity to clarify the publication of local investigations. A member suggested that Bristol City Council had some excellent pages on Standards and therefore was a good one to look at. It was agreed that members would have the opportunity to review proposals at their next meeting.

11. DATE OF NEXT MEETING

The date of the next ordinary meeting of this Committee was Friday 18 June 2010.

Simon Lainé
Chair of Standards Committee